

Message Text

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PAGE 01 STATE 111012
ORIGIN L-03

INFO OCT-01 ARA-10 ISO-00 INR-10 OES-07 DLOS-09 CIAE-00
NSAE-00 INRE-00 /040 R

DRAFTED BY L:M B FELDMAN:LHS
APPROVED BY L:M B FELDMAN
INR/DDR/RGE - R D HODGSON
OES/OFA/OCA - T SCULLY
ARA/MEX - D SIMCOX

-----126307 020005Z /66

O 012347Z MAY 78 ZFF4
FM SECSTATE WASHDC
TO AMEMBASSY MEXICO NIACT IMMEDIATE

C O N F I D E N T I A L STATE 111012

E.O. 11652: GDS

TAGS: PBOR, PLOS, EFIS

SUBJECT: U.S.-MEXICAN MARITIME BOUNDARIES

REFS: (A) MEXICO 7115; (B) STATE 94821; (C) JUHL/FELDMAN
TELECON OF 5/1

1. DEPARTMENT HAS RECEIVED AND TRANSLATED GOM DRAFT OF
BOUNDARY TREATY (REF A). WE CAN ACCEPT THE GENERAL RE-
STRUCTURING OF THE DRAFT BUT SOME OF THE LANGUAGE CHANGES
RAISE SUBSTANTIVE PROBLEMS FOR USG. SEVERAL OF THESE
PROBLEMS WERE DISCUSSED DURING NEGOTIATIONS OF EXCHANGE OF
NOTES ESTABLISHING PROVISIONAL BOUNDARIES. BOTH FOR
SUBSTANTIVE REASONS, AND BECAUSE OF THE SHORT TIME AVAIL-
ABLE, DEPARTMENT BELIEVES THAT IT IS NECESSARY TO MAINTAIN
AS NEARLY AS POSSIBLE THE LANGUAGE PREVIOUSLY AGREED IN
THE EXCHANGE OF NOTES IF WE ARE TO SIGN TREATY ON MAY 4.
AS YOU SUGGESTED REF TELCON, FELDMAN WILL ATTEMPT TO PHONE
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CABRERA TODAY TO DISCUSS THE ISSUES. YOU SHOULD PROVIDE
GOM WITH THE ALTERNATIVE TEXTS AND COMMENTS SET FORTH
BELOW ASAP.

2. MEXICAN PREAMBLE IS ACCEPTABLE TO U.S. EXCEPT FOR
PARAGRAPHS 3 AND 4. PARAGRAPH 3 OF GOM DRAFT IS TROUBLE-
SOME FOR TWO REASONS. FIRST, IT MIGHT IMPLY USG RECOGNI-

TION OF MEXICAN ECONOMIC ZONE. EXCHANGE OF NOTES AND U.S. DRAFT TREATY WERE CAREFULLY DRAFTED TO MINIMIZE THIS RISK. SECOND, EXPRESS REFERENCE TO THE PRINCIPLE OF EQUIDISTANCE IN THIRD AND FOURTH PARAGRAPHS COULD CAUSE DIFFICULTIES FOR USG IN NEGOTIATIONS WITH THIRD COUNTRIES. BOTH OF THESE POINTS WERE UNDERSTOOD BY GOM WHEN WE DRAFTED LANGUAGE OF EXCHANGE OF NOTES ESTABLISHING PROVISIONAL BOUNDARY. ACCORDINGLY, WE PROPOSE THAT THIRD PARAGRAPH BE REFORMULATED AS FOLLOWS: "BEARING IN MIND THAT, BY AN EXCHANGE OF NOTES DATED NOVEMBER 24, 1976, THEY PROVISIONALLY RECOGNIZED MARITIME BOUNDARIES BETWEEN THE TWO COUNTRIES BETWEEN 12 AND 200 NAUTICAL MILES SEAWARD IN THE PACIFIC OCEAN AND THE GULF OF MEXICO." IF GOM WISHES, WE COULD RETAIN THIRD PARA. OF U.S. DRAFT PREAMBLE AS WELL (REF B). IN PARAGRAPH 4 WE WOULD SIMPLY DELETE "SIMPLIFICATION OF THE EQUIDISTANCE."

3. ARTICLE II OF THE GOM DRAFT IS ACCEPTABLE PROVIDED THE WORD "SOVEREIGNTY" IS DELETED. USE OF THIS WORD IMPLIES, CONTRARY TO U.S. VIEW OF INTERNATIONAL LAW, THAT SOVEREIGNTY EXTENDS SEAWARD OF THE TERRITORIAL SEA. THE ENGLISH TEXT SHOULD READ AS STATED IN THE FIRST SENTENCE OF ARTICLE III OF THE U.S. DRAFT (REF B).

4. ARTICLE III - THE FIRST SENTENCE IS ACCEPTABLE TO THE UNITED STATES. THE SECOND SENTENCE IS TOO GENERAL
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TO PROTECT U.S. FROM SUBSEQUENT GOM ARGUMENT THAT U.S. HAS BY VIRTUE OF THIS AGREEMENT RECOGNIZED THE JURISDICTION ASSERTED BY MEXICO IN THE ECONOMIC ZONE. THIS ISSUE WAS NEGOTIATED AT GREAT LENGTH IN 1976 AND SHOULD NOT BE REOPENED NOW. THEREFORE, WE HOPE GOM CAN ACCEPT SECOND SENTENCE AS SET FORTH IN U.S. DRAFT (REF B). THE U.S. HAS RECENTLY CONCLUDED MARITIME BOUNDARY TREATIES WITH CUBA AND VENEZUELA WHICH CONTAIN SLIGHT VARIATIONS ON THE SAME THEME. EITHER OF THOSE TEXTS WOULD ALSO BE ACCEPTABLE TO U.S.

5. ARTICLE IV OF THE VENEZUELA TREATY READS AS FOLLOWS:
"IT IS UNDERSTOOD BY THE TWO GOVERNMENTS THAT SOUTH OF THE MARITIME BOUNDARY THE UNITED STATES OF AMERICA SHALL NOT, AND NORTH OF THE MARITIME BOUNDARY THE REPUBLIC OF VENEZUELA SHALL NOT, FOR ANY PURPOSE, CLAIM OR EXERCISE SOVEREIGN RIGHTS OR JURISDICTION OVER THE WATERS OR SEABED AND SUBSOIL. THE ESTABLISHMENT OF THIS MARITIME

BOUNDARY DOES NOT AFFECT OR PREJUDICE IN ANY MANNER THE POSITIONS OF EITHER GOVERNMENT WITH RESPECT TO THE SOVEREIGN RIGHTS OR JURISDICTION OF EITHER STATE, THE

RULES OF INTERNATIONAL LAW CONCERNING THE EXERCISE OF
JURISDICTION OVER THE WATERS OR SEABED AND SUBSOIL, OR
ANY OTHER MATTER RELATING TO THE LAW OF THE SEA."

6. ARTICLE IV OF THE CUBA AGREEMENT READS AS FOLLOWS:

"THIS AGREEMENT, THE SOLE PURPOSE OF WHICH IS TO
ESTABLISH THE LOCATION OF THE MARITIME BOUNDARY BETWEEN
THE REPUBLIC OF CUBA AND THE UNITED STATES OF AMERICA,
SHALL NOT PREJUDICE OR AFFECT THE POSITIONS OF EITHER
PARTY CONCERNING: THE NATURE OF THE SOVEREIGN RIGHTS
EXERCISED BY STATES; THE RULES OF INTERNATIONAL LAW WITH
RESPECT TO THE EXERCISE OF JURISDICTION OVER THE WATERS OR
SEABED AND SUBSOIL; OR ANY OTHER MATTER RELATING TO THE
LAW OF THE SEA."

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7. NOTE TO EMBASSY TRANSLATORS THAT "LAS LINEAS
GEODESICAS" SHOULD BE TRANSLATED AS "THE GEODETIC LINES"
OR AS "THE GEODESICS" BUT NOT AS "GEODESIC LINES." A
"GEODESIC" IS A "GEODETIC LINE." VANCE

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INFO OCT-01 ISO-00 /010 R

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FM SECSTATE WASHDC

INFO USMISSION GENEVA 1425

C O N F I D E N T I A L STATE 111012

FOR US DEL LOS

FOLLOWING TELEGRAM FROM SECSTATE WASHDC DATED MAY 1, 1978

SENT MEXICO IS REPEATED TO YOU: QUOTE

C O N F I D E N T I A L STATE 111012

E.O. 11652: GDS

TAGS: PBOR, PLOS, EFIS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
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Concepts: AGREEMENTS, TEXT, WATER BOUNDARIES
Control Number: n/a
Copy: SINGLE
Draft Date: 01 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: M B FELDMAN:LHS
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780186-0095
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197805104/aaaadliv.tel
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Litigation Codes:
Litigation History:
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Message ID: db9ca494-c288-dd11-92da-001cc4696bcc
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Original Classification: CONFIDENTIAL
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Secure: OPEN
Status: NATIVE
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TAGS: PBOR, PLOS, EFIS, MX, US
To: MEXICO
Type: TE
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